Human Rights in Socio-Historical and Educational Context

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The paper focuses on human rights by showing their role in the globalised world. In the first part, evolution of the human rights idea in history is presented, followed by an overview of HRE and its role in societies development. As the critical role of education in promoting human rights is emphasised, teacher competencies necessary to implement HRE and Education for Democratic Citizenship are identified. In the final section, pedagogical challenges and directions of actions to implement education for peace at different stages are presented.

Key words: *Human rights, HRE, education for peace.*

Historical Overview

The idea that freedom is a natural human right was born in antient Greece. Among the precursors of reflections on human-civic rights were such excellent thinkers as archon Solon (c. 635–c. 560 BC), the creator of Athenian democracy, Plato (c. 427–347 BC) with his *The Republic* and Aristotle (384–322 BC) and his views on the natural law and civic freedom, even though only some of the citizens were entitled to it. Plato pointed out to some potential threats to human happiness and freedom, the most important ones to be infringement of the "order" of the world and of just man, failure to obey the rules of justice as well as moral and legal norms (Rosa, 2001) Plato's vision was continued by Aristotle who claimed that social role of any law is to lead people to happiness (Tokarczyk, 2007, p.77). He associated happy life with the "ideal state" which is the only one able to ensure justice.

He did not speak about human rights and freedoms directly, but he connected human safety with the proper state of economy, culture and public institutions and emphasised the great role of education in teaching people about the importance of justice, freedom and law - thus, he contributed indirectly to the development of the philosophical grounds for these "fundamental human rights" concept (Rosa, 2001, p.8).

Cicero (106–43 BC) and Seneca the Younger (c. 4 BC–AD 65) took over and further developed the Greek reflections on natural laws. Cicero concluded that the true law is

[...] right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, though neither have any effect on the wicked. It is a sin to try to to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely (Cyceron, 1999, p.71-72)

Thus, all people are equal under this law in their ability to discern injustice from what is just. Seneca (1965) added: "I am not born for one corner; the whole world is my native land" (p. 654) and Marcus Aurelius stressed: "My city and my country, as I am Antonius, is Rome; as I am a man, it is the world" (1984, p. 109).

It is worth to point out that the statements of the Roman thinkers suggest openness to other nations. They assume a cosmopolitan attitude and reject territorial divisions. The quotes above are a vivid example of them identifying as the world citizens. In the ancient Rome, the Law of the Twelve Tables[1] was written (including private law, some principles of the criminal law and sacral law) and this is where one can find the origins of the right to a fair trial.

The ideas of the natural laws were further developed by Thomas Aquinas (1225–1274) who, as christian thinker, was looking for the natural laws in the order of christian faith (Tokarczyk, 2009). In the light of his philosophy, the natural laws precede any authority, therefore no authority can impose or take them away. These laws are intrinsic to human nature which was given by the Creator (Św. Tomasz z Akwinu,1986). The thinker from Aquinas emphasised that these laws should be unalienable and the ssamefor everyone.

Man made law is only true law to a degree to which it is rooted in the natural law and if it conflicts the natural law in some aspects, it ceases to be the law and is rather destroying the law (Sw Tomasz z Akwinu, 1986, p.46).

In this period, the right to oppose an evil ruler who violates the Divine law, promoted by John of Salisbury (1120–1180) and the concept of "individual rights" understood as a right enforceable against public authority, formulated by William Ockham (1285–1347) were introduced. These events coincided with establishing first legally binding acts. In the

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[1] The Law of the Twelve Tables was written in 449 BC. The document contains the common laws which largely limited the power and activity of the patricians. The laws were published on twelve bronze tablets (*leges duodecim tabularum*) and hanged publicly in Forum Romanum for all the citizens to read.

medieval England (1215), The Great Charter of Freedoms (*Magna Charta Libertatum*) was published by King John of England, which limited king's power and awarded some freedoms and rights but only some socially privileged groups. It included, for example, the right to a trial, freedom of mevement or property rights (Hołda, 2014). This document is considered as the first codified human rights.

Back then, Poland was one of the few countries in Europe, where human rights were not only a subject of reflections but a practical element of the social life. One of the most important privileges was the principle *neminem captivabimus nisi iure victum* (no person can be imprisoned without a court order) obtained by the nobility (1425–1433). The doctrine of religious tolerance, formulated by Paweł Włodkowic (*Paulus Vladimiri)*, rector of the Jagiellonian University. He presented his ideas at the Council of Constance (1414–1415), which means that they could have influenced intellectuals from all over Europe.

If pagans want to leave peacefully among christians, neither nor their property they should not suffer any harm [...]

Thus, the ruler who deprives them of it without a reason, sins; even the pope should not confiscate their property but the opposite, he should tolerate them as long as he can (Ehrlich , 1968, p.9)

Undoubtedly, Włodkowic's views helped to increase tolerance towards pagans and promoting tolerance of other denominations or unbelievers was of great significance and something Poland was famous of in the then Europe. For years, the Polish Commissioner for Human Rights has been granting the Paweł Włodkowic Award in recognition of defending human rights and freedoms, even against the opinion and views of the majority.

Modern times brought the return to the theory of the natural law but without references to religion. It was a shift from theocentricism to anthropocentrism. The main principles of the natural law theory addressed the right to live and the rights to freedom, equality and ownership. During Renaissance, the ultimate goal was the individual well-being. Human rights became very important then, and in the 17th century England, the *Bill of Rights* (1689) proclaiming rights and freedoms of the subjects (Gronowska at al., 2005). John Locke (1632–1704) claimed that the authority of the state results from the contract between free and equal individuals who give up some of their rights, their natural freedom in exchange for guarantees of safety, peaceful co-existence and protection of their property. Thus, natural individual rights are combined with the concept of social contract the purpose of which is to strengthen these rights. In addition, similar to Thomas Aquinas, Locke believed that a person has the right to oppose evil authorities if they violate the social contract and natural rights of

this person. He pointed out that people are equal and by being born, each individual gains the right to live, freedom and property.

Legal-natural concepts were the subject of reflections of a Dutch philosopher, Hugo Grotius (1583–1645), called the father of international law. In his work published in 1625 in Paris, titled *De jure belli ac pacis* (*On the Law of War and Peace*), he divided law into divine law. human law and natural law; the latter originates from the human nature and is unalienable and the same for everyone. According to Grotius, human nature is dual, as on the one hand, people are biological creatures who follow their self-preservation instinct and on the other hand, they are social beings who need interactions with other people. Thus, there should be norms enabling such existence in relations with others. The philosopher emphasised that people have intrinsic tendency to associate so they form, by means of contract, a state union which allows them to meet their social needs and secure their interests. In the light of this concept, social contract is the source of authority and the ruler, who is the representative of those who have elected him, should ensure the rights of the society are respected. When they are violated, Grotius allowed the use of force against those who intend to threaten the life, health or property of other individual (Grocjusz, 1957).

During the enlightenment period, laws of nature and social contract were further developed, mainly by French philosophers. In his work titled *The Spirit of Law*, Montesquieu (1689–1755)[2] emphasised the mutual relationships between the rule of law and freedom. For him, the key issue was the protection of civic freedom; he also tried to determine which political system can ensure it. He formulated a thesis that limitation of power by dividing it into three types: legislative, executive and judicial can be advantageous. These powers has to remain separate and cannot be held by a single person or institution. He pointed out that courts should be totally independent of the state authorities. Thanks to that, judges who would not be afraid of pressure from the authorities, could issue just verdicts. Then, citizens who feel victims of decisions of public offices could appeal to the court (Tatarkiewicz, 2007).

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression (Monteskiusz, 1957, p. 244).

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[2] His full name was Charles Louis de Secondat de Montesquieu

As a proponent of a lawful state, Montesquieu thought that the mechanism of power division will successfully protect and secure human rights against abuse by the state and that thanks to this division none of the powers will gain strength to threaten civil freedom. According to Jean-Jacques Rousseau (1712–1778), equality was the determinant of freedom. In his work, *The Social Contract* (Rousseau, 1966), he claims that the state should ensure freedom and equality for the people. However, people need not only individual freedom but also social freedom. Thus, the measure of human freedom is the degree to which an individual is engaged in social life, namely, joining individual desires and aspirations with social goals. Truly free individual should never place their individuality against the society. Rousseau states that equality is the guarantee of human happiness whereas social inequalities (economic inequalities in particular) make people dependent on one another and violate their freedom. He believed that in equal society there will be mutual kindness and that everyone will engage in joint efforts for the benefit of common social interest, and the sense of social justice will increase as they approach this ideal of equality (Ibid). Rousseau did not put individual rights on the first place; he was an apologist of democracy rather than individual freedom and thus, the opinions of interpreters regarding his contribution to human rights concept vary.

But there is no doubt that thinkers from the school of natural law had major impact on the public debate on human rights protection and, consequently, on political and systemic practice in many countries.

A vivid example of these changes are acts issued in the United States, France and Poland, which declared the Enlightenment concept of human rights with its philosophical justification and catalogues of rights and freedoms. The second half of the 18th century saw two revolutions: French and American, which started some breakthrough processes in the history of human rights. As a result, in many countries the ideas of rights and freedoms declared previously on the doctrinal level were replaced with real laws (Hołda, 2014). The United States Declaration of Independence was announced on 4 July 1776 in Philadelphia during the Second Continental Congress and guaranteed equality of all people together with rights like life, liberty and the pursuit of happiness. Its principles were based on the doctrine of natural laws:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and

organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness (Ibid., p. 20)

In Europe, one of the most important documents is the Declaration of the Human and Civic Rights, adopted on 26 August 1789 by the National Assembly in France. This declaration which originated - like the American one - from the school of natural law, states that human rights are "natural, non-transferable and sacred".

Article 1 states that "[...] *Men are born and remain free and equal in rights"* whereas Article 4 sets the limits of this freedom:

Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights.

The Declaration identified the following personal freedoms: physical and spiritual (personal integrity, freedom of thoughts, conscious, religion and speech). The breakthrough was the principle of equality against the law, which revoked state privileges and possibility of power abuse and substantially changes the status of individuals.

Inspired by the Enlightenment philosophy and the examples of America and France, Poland too began to act towards ensuring the protection of human rights. On 3 May 1791, the first constitution in Europe and second in the world constitution was adopted and Poland became the second constitutional state in the world (following the United States, 17 September 1787) Even though its provisions were not universal, 3 May is the national holiday of Poles, which commemorates the adoption of the constitution. Despite it being revoked in 1772[3]by the countries who occupied Poland until 1918, it's co-authors (Hugo Kołłątaj, Ignacy Potocki and Franciszek Ksawery Potocki) declared that:

Unlawfully condemned Poland [...], showed in the provisions of the constitutional court that in the true enlightenment, reasonable legislation, affection and respect for human rights she is equal the most prominent nations in Europe (Motyka, 2004, p.26)

Organisation of the state and civil rights and duties were also discussed by writer who fought for the rights of women, for example Nicolas de Condorcet (1743–1794) who postulated the right of women to education and Olimpia de Gouges (1748–1793), playwright, publicist, feminist and revolutionist, paradoxically decapitated in the name of the French Revolution

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[3] The Constitution of 3 May was abolished by the Targowica Confederation and the attack of Russian army.

for her equality views. These last examples show that notions: liberty, equality and brotherhood (*liberté, égalité, fraternité*) did not establish well enough in 1789–1799 decade.

Human Rights Education Role in Development of Society

Through centuries, many great thinkers opposed the situation of men suffering from violence and injustice (Barragan-Medero, Mackowicz and Szarota, 2016). For almost 70 years, since the adoption of the UN Universal Declaration of Human Rights in 1948, the international community has been undertaking activities to recognise and promote human rights and freedoms in the international law, especially the right to education for these rights. In the light of the rapid changes that occur in our global society, learning about, through and for human rights (UNDHRET, 2011) is crucial for maintaining the climate conductive to these rights. It is particularly important for children and youth because Human Rights Education is the first and main step to enjoy all these rights. Another meaningful document was the World Plan of Action on Education for Human Rights and Democracy adopted in 1993. According to it *[...] education on human rights and democracy is itself a human right and is a pre-requisite to the full realization of social justice, peace and development.*

The World Plan of Action sets the main goals, directions and levels of action.

The goals of education on human rights and democracy include:
- make information available (especially among young people) about human rights norms and instruments as well as recourse procedures and mechanisms against violations at the national, regional and international levels;
- assist learners to understand the connections between economic conditions and access to rights and encourage educators to support strategies for change that are non-violent and democratic;
- increase the awareness of educators in all sectors and at all levels of the benefits of co-operation and co-ordination through networking and to assist them in building human rights education networks;
- encourage governments and the international community to provide and foster a culture of peace based on human rights;
- to make human rights and the national, regional and international instruments that guarantee such rights more widely known.

The levels of actions include only formal education but also non-formal learning as well as specific groups and contexts.

In the area of formal education, they should involve curricula at all levels of the school system, from pre-primary to post-secondary and teacher training (Ibid.).

Informal education on human rights and democracy should be present in: workplaces; professional associations; religious and cultural organizations; youth, including through leisure and sports clubs; UNESCO Clubs, centres and associations; groups which are less exposed to public life (for example, people living in rural or remote areas); groups working specifically on literacy, advocacy and assisting those living in extreme poverty; security, army, police and prison personnel, etc.; public officials and decision-makers; judges and lawyers and others working in the administration of justice; medical doctors, health professionals and scientists.

The last level of actions locates education in special contexts and challenging situations (where human rights may be endangered). These situations include armed conflicts, internal unrest and tension, foreign occupation or natural disasters. In these special situations, at this level of action, the plan identifies the needs of specific groups, such as: women, children, indigenous peoples, refugees and internally displaced persons, political prisoners, minorities, migrant workers, disabled persons, persons with HIV/AIDS.

In turn, the European Union Agency for Fundamental Rights (FRA) speaks about education in the context of human rights, which is defined as [...] educational programmes and activities which focus on promoting equality in dignity of a person, in combination with other programmes such as promotion of learning, participation and strengthening the status of minorities (FRA, 2010, p.21). In the light of this definition, the main purpose of HRE is shaping proper attitude to support common respect for human rights and equality. The closest environment is crucial in HRE and school is the place where human rights are communicated and respected. Thus, teaching human rights through experiencing them in daily school reality was articulated in the Council of Europe Committee of Ministers Recommendation (2012, p.409) on teaching and learning human rights in schools.

 It is stated in the document that:

[...] schools are communities which can, and should, be an example of respect for the dignity of the individual and for difference, for tolerance, and for equality of opportunity.

Unfortunately, in many countries there is still huge discrepancy between the official policy and declarations regarding civil and human rights education and the daily school practice (Starkey and Osler, 2006). Even though this area of education is more and more often present in school curricula, it is the element of teacher training only in some countries (.Eurydice,2005). Publication by the Council of Europe titled *How all teachers can support citizenship and human rights education: a framework for the development of competences*(Brett at al., 2009) addresses this problem. The role and main goal of the Council of Europe programme of civil education and human rights education was to improve teacher

competencies through professional training in education and tightening cooperation with local communities and non-governmental organisations within the member states and outside of them.

Teacher Competencies in HRE and Education for Democratic Citizenship

The Council of Europe recommendations (Ibid.) list fifteen key teacher competencies divided into four clusters (pp. 21-68). The categories refer to potential problems and issues which teachers or educators may face as they implement Education for Democratic Citizenship (EDC) and Human Rights Education (HRE). The main competence clusters are:

- EDC/HRE knowledge and understanding;
- EDC/HRE teaching (planning, classroom management, teaching and assessment)
- EDC/HRE in action – partnerships and community involvement;
- EDC/HRE evaluation.

Therefore, it seems extremely important that teachers understood well the scope of competences listed in the clusters.

- Competences in the cluster A focus on establishing what EDC/HRE is about and preparing the foundations of teacher knowledge to ensure that learners are taught with a clear sense of direction.

  In this context, the following questions become important: What can we do to implement EDC/HRE in the classroom, school and wider community?

- The cluster B of competences involves information about implementing EDC/HRE approaches in the classroom and in the school.

  Teachers who obtain these competences will know how to plan their activities in a way that will encourage students to play an active role in learning; work with other teachers in order to embed EDC/HRE in different subjects; what values to promote among the students; how can they work together to create the community of learners; how to touch on controversial issues and what forms of assessing students' learning they can use within their practice. Developing these teacher competence through professional training and skilful use thereof will contribute to the enhancement of knowledge, skills and participation and to the empowerment of young citizens in a democratic society. Teachers will gain knowledge about different learning styles and will adapt their teaching methods accordingly using [...] for example, multiple sensory approaches to cater to visual, kinaesthetic, aural and verbal learners in a classroom; co-

operative/competitive learning; topic-centred/topic-associating communication; dependent/independent learning; reflective/impulsive approaches; [...] or analysing different points of view.

- Cluster C of competences involves taking EDC/HRE learning beyond the classroom. The important questions regarding these competences are: Who can we do it with? EDC/HRE actions taken by young people are unlikely to be effective if they are not informed actions.

- Finally, competences in the cluster D involve the necessity to reflect and evaluate the nature and effectiveness of the EDC/HRE approaches that have been implemented (see more: Bratitsis at al., 2016), in relation to the whole school culture and the teaching practice in individual classrooms.

Thus, the methods of informing about human rights should be adapted to given culture, tradition and socio-historical conditions.

Human Rights Education is the important elements of global education. The Maastricht Global Education Declaration (2002, p.66) states that global education is education that

[...] opens people's eyes and minds to the realities of the world, and awakens them to bring about a world of greater justice, equity and human rights for all [...], encompasses Development Education, Human Rights Education, Education for Sustainability, Education for Peace and Conflict Prevention and Intercultural Education; being the global dimensions of Education for Citizenship.

Global Education should result in personal involvement in combating poverty in the world and the process of building global society based on the principles of solidarity, equality and collaboration. The concepts of Global Education are strictly connected with the whole range of international documents, including the Universal Declaration of Human Rights (Art. 26, p. 2) which states that

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Globalisation poses some fundamental challenges for widely understood education in every country. The present global challenges (Raport z procesu międzysektorowego, 2011) include:

ensuring peace and safety in the world, improving the quality of life in the Global South countries, protection of human rights and ensuring sustainable development and establishing partner economic and social relations between the countries of Global North and Global South.

Global Education curriculum is also based on recommendations formed in the resolution 1318 of the Parliamentary Assembly of the Council of Europe, which points out that global education is essential for all citizens to acquire the knowledge and skills to understand, participate in and interact critically with our global society, as empowered global citizens.

Summary

Problems and threats of the modern world cause large concerns among pedagogues. At the end of the last century, educational commitments regarding developing the culture of peace were formulated. This task is a serious challenge for education in the 21st century too (Wojnar, 2000). Polish pedagogue and philosopher, B. Suchodolski (1990) clearly points out that teaching people how to live in peace as well as restoration of the meaning and values in life, which got lost in consumer societies should be based on the pedagogy of dialogue, reconciliation and coexistence. Culture of peace and non-violence reinforces the fundamental human rights such as: social justice, respect and dignity for all, international solidarity, respect of workers rights and children's rights, cultural identity and diversity, natural environment protection. Culture of peace is the integrated approach to the prevention of violence and armed conflicts and an alternative to the culture of war and violence. Finally, culture of peace provides the grounds to develop curricula of education for peace (Education for Peace, 2014, p.8).

The idea of education for peace is hard to define because it covers many areas simultaneously. Most often it is understood as the process of learning, which develops knowledge and skills, and promotes attitudes and values that lead to limiting, restricting violence and injustice on the one hand, and promoting the culture of peace on the other. This unique lifelong learning during which learners acquire "skills of the better world" is connected with building peace. It is education for tolerance and intercultural understanding.

The most important competences connected with education for peace and developed during the project "Education for Peace. Intergenerational transmission of adults education" (Education for Peace, 2014) include: Cultural Sensitivity, Building Community, Observation, Research, Verbal Communication, Written Communication, Conflict Management, Stress Management, Teamwork and Leadership (Ibid. p.4). Thus, education for peace concentrates

on the typical peace-making skills: communication, conflict resolution, promotion of positive attitudes and dialogue.

Thanks to culture of peace related values, skills and attitudes education for peace have become the main tool to prevent violence, racism, intolerance and even armed conflicts. Thus, education is embed in the social, cultural and educational activity model which facilitates mutual learning, cooperation and socio-cultural integration of different social groups. This results in promoting peace, social justice, human rights, democracy, cultural diversity and ecological awareness, which in turn supports the global purpose of education. Such approach creates the space for seeking justice, deeper understanding of the structural forms of injustice and at the same time develops understanding the every human needs to have the right to live and be respected.

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